

JP

**Notice of Allowability**

Application No.

10/636,003

Examiner

Sharon Kennedy

Applicant(s)

DOCHON ET AL.

Art Unit

3767

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_.
2. ☒ The allowed claim(s) is/are 23-37.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of the:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  
1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.  
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date ____. |
| 3. <input checked="" type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date <u>all</u> | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material                          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other ____.   |

## DETAILED ACTION

### *Allowable Subject Matter*

Claims 23-37 are allowed.

The following is an examiner's statement of reasons for allowance: The closest prior art is applicant's own prior inventions, for example, the patent to Duchon, US 6,099,502. Sheet 22 of '502 shows a reversal of applicant's currently claimed subject matter, with door 544 rotating instead of the cylinder sleeve. The examiner was inclined to apply an obvious rejection using the legal precedent set forth in MPEP 2144.04 VI., entitled "Reversal, Duplication, or Re-Arrangement of Parts." However, applicant's specification has provided ample support to show that there is more than a mere rearrangement of parts; the rearranged device has distinct advantages in view of the previous art. For example, as set forth in applicant's published paragraph [0047], an advantage results in the accessibility to the component parts of the assembly, such as the cylinder 40 and syringe 25. In addition, as stated in the specification, the removable cylinder allows for improved maintenance and more reliable repeated use of the assembly by allowing for "complete cleaning of the door 80 and the area of the longitudinal member 20 surrounding the site of insertion 22." As further stated by applicant, this advantage "reduces the possibility of contrast media or other fluid from accumulating and crystallizing and causing the door to be stuck into place. A removable door 80 also allows use of the pressure sleeve assembly with syringes having a variety of configurations." A quick comparison of sheet 22 of the '502 patent with applicant's figure 3 readily displays these advantages. Accordingly, the examiner finds no instance

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of obviousness in comparison to applicant's previous arrangements under this legal precedent.

Also of note is the patent to Reilly et al., US 5,899,885. See especially figure 16 wherein the pressure cylinder is pivoted from the position shown in figure 16 to 17A. It is possible to allege that applicant's claimed receptacle can be interpreted to be Reilly's internal surface 270. However, applicant's claims require that the receptacle receive the cylinder. In contrast, internal surface 270 receives conical portion 272 of the syringe. Accordingly, there is no instance of anticipation in view of this prior art.

None of the remaining prior art anticipates or suggests the claimed invention, accordingly, the application is allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Kennedy whose telephone number is 571/272-4948. The examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Hayes, can be reached on 571/272-4959.

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Information regarding the status of an application may be obtained by going to [www.uspto.gov](http://www.uspto.gov), clicking on "Status &IFW", entering the application number, and then clicking on one of the tabs to retrieve the appropriate information.

A handwritten signature in black ink that reads "Sharon Kennedy". The signature is written in a cursive style with a large, stylized "K".

Sharon Kennedy

Primary Examiner

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